

CMV AND CDL HOLDER DISQUALIFYING VIOLATIONS

The Federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) requires a commercial driver license (CDL) holder to be disqualified from operating a commercial motor vehicle (CMV) **when convicted of certain types of moving violations in a private passenger vehicle or in a CMV**. No CDL driving authority is permitted when any driving privileges are suspended, revoked, disqualified, denied, or cancelled. This document provides an overview of the MCSIA disqualifying violations and is meant to only cover major elements of Federal and Delaware law and is subject to change.

MAJOR VIOLATIONS

- Administrative per se (probable cause) for operating a CMV with a blood alcohol concentration at or above .04.
- Administrative per se (probable cause) for operating a motor vehicle with a blood alcohol concentration at or above .08.
- Operating a CMV while your blood alcohol concentration is .04 or higher.
- Operating a motor vehicle under the influence of alcohol.
- Operating a motor vehicle under the influence of a controlled substance.
- Refusal to take an alcohol test.
- Leaving the scene of an accident.
- Using a motor vehicle to commit a felony (not a traffic offense).
- Causing a fatality through negligent operation of a CMV.
- Driving a CMV when as a result of prior violations committed while operating a CMV, the driver's license is revoked, suspended, disqualified, canceled, denied, barred, or withdrawn.
- Using a vehicle in the commission of a felony involving controlled substances.

If convicted of a Major violation in a private passenger vehicle or in a CMV, your CDL will be disqualified for one year for the first offense. Your CDL will be disqualified for three years if the first Major violation occurs while operating a CMV that is placarded for hazardous materials. If convicted of a second Major violation in a private passenger vehicle or in a CMV, your CDL will be disqualified for life. Additionally, your CDL will be disqualified for life if convicted of using a CMV to commit a felony involving controlled substances.

SERIOUS TRAFFIC VIOLATIONS

- Excessive speeding (15 mph or more above the posted limit).
- Reckless driving.
- Improper or erratic lane changes.
- Following a vehicle too closely.
- Violating state or local law relating to motor vehicle traffic control arising in connection with a fatal accident.
- Driving a CMV without obtaining a CDL.
- Driving a CMV without a CDL in the driver's possession.
- Driving a CMV without the proper class of CDL and/or endorsements.

If convicted of two Serious Traffic violations in a CMV within any three-year period, your CDL will be disqualified for 60 days. Your CDL will be disqualified for 120 days if convicted of three or more Serious Traffic violations in a CMV within any three-year period. Additionally, if convicted of a Serious Traffic violation in a private passenger vehicle and your private passenger vehicle driving privileges are suspended as a result thereof, your CDL may also be disqualified accordingly.

VIOLATING OUT-OF-SERVICE ORDERS

If convicted of Violating an Out-Of-Service Order in a CMV, your CDL will be disqualified for no less than 90 days nor more than 1 year for a first offense. If convicted of Violating an Out-Of-Service Order while transporting hazardous materials in a CMV, your CDL will be disqualified for no less than 180 days nor more than 2 years for a first offense. Your CDL will be disqualified for no less than one year nor more than 5 years for a second offense within any ten-year period. Your CDL will be disqualified for no less than 3 years nor more than 5 years for a second offense while transporting hazardous materials within any ten-year period. Your CDL will be disqualified for no less than 3 years nor more than 5 years for three or more offenses within any ten-year period. Disqualification periods for Violating an Out-of-Service Order will be determined by the court.

RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS

Railroad-Highway Grade Crossing violations include violation of a federal, state or local law or regulation pertaining to the following six offenses:

- For drivers who are not required to always stop, failing to stop before reaching the crossing if the tracks are not clear.
- For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train.
- For drivers who are always required to stop, failing to stop before driving onto the crossing.
- For all drivers failing to have sufficient space to drive completely through the crossing without stopping.
- For all drivers failing to obey a traffic control device or the directions of an enforcement official at the crossing.
- For all drivers failing to negotiate a crossing because of insufficient undercarriage clearance.

If convicted of a Railroad-Highway Grade Crossing violation in a CMV, your CDL will be disqualified for no less than 60 days for the first offense. Your CDL will be disqualified for no less than 120 days for a second offense within any three-year period. Your CDL will be disqualified for no less than 1 year for a third offense within any three-year period.